2.0

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a street and alley.

WHEREAS, (1) a petition to vacate Sidney Street and the East/West Alley between Roy Street and Lumbard Street, (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the  $\operatorname{City}$  Plan Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

Sidney Street located between the North right-of-way of McDonald Street and the South right-of-way of Pennsylvania Avenue and contiguous to Lots 1 and 12 in Block 7 and 6 and 7 in Block 8 in Bond and Lumbard 2nd Addition, Fort Wayne, Indiana; and,

An East-West alley contiguous to the South line of Lots 1 through 6 Block 7 and 4 through 6 Block 8 and the North line of Lots 7 through 12 Block 7 and 7 through 9 Block 8 in Bond and Lumbard 2nd Addition to the City of Fort Wayne, Indiana.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1 for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree

1 2

of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

COUNCILMAN

APPROVED AS TO FORM AND LEGALITY JULY 7, 1981.

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first seconded by by title and referr Plan Commission for due legal notice, a Indiana, on DATE:	11-81	the	CHARLES W. COLTY CLERK	o'clock	day of M. E.S.T.
Read the thir seconded by passage. PASSED	(LOST) b	y the fol	_, and duly aclowing vote:	dopted, pl	aced on its
	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9	0			
BURNS			-		<del></del>
EISBART	X				
GiaQUINTA	X				
NUCKOLS	_X				
SCHMIDT, D.	<u>X</u>			-	
SCHMIDT, V.	_X_		-		
SCHOMBURG	X				
STIER	X,				
TALARICO	X				
DATE:	-27-81		CHARLES W. W	ESTERMAN -	destaures CITY CLERK
Passed and ad	opted by th	ne Common	Council of th	e City of	Fort Wayne,
Indiana, as (ZONING	MAP) (GE	ENERAL)	(ANNEXATION)	(SPECIAL	.)
(APPROPRIATION) ORD				22-81	
on the $\frac{27}{}$	the day of	_ Ox	tibeo	_, 19 <u>8/</u>	•
CHARLES W. WESTERMAI	ATTE	ST: MELLE ERK	(SEAL)	Luck	ols
Presented by	me to the M	ayor of t	he City of Fo	rt Wayne,	Indiana, on
the 2800 clock	_day of <u>C</u>	stobec	, 19 8	, at the	hour of
			CHARLES W. W		
Approved and so $19 - 8$ , at the hour					_day of $\bigcirc$ C $^{+}$ .
			WINELET	alu Te	

MAYOR

BILL NO	
REPORT OF THE COM	MITTEE ON REGULATIONS
WE, YOUR COMMITTEE ON Regulations ORDINANCE amending the Thoroughfa	TO WHOM WAS REFERRED AN
("Master") Plan by vacating a stre	eet and alley
<b>\</b>	
HAVE HAD SAID ORDINANCE UNDER CONSIDERACK TO THE COMMON COUNCIL THAT SAID	110
MARK E. GiaQUINTA, CHAIRMAN	Mark & Galint
SAMUEL J. TALARICO, VICE CHAIRMAN	Samuel & Talanier
VIVIAN G. SCHMIDT	Tivian & Shmill
JAMES S. STIER	Justa
DONALD J. SCHMIDT	O)Selmid
DATECHARLES	CURRED IN CITY CLEF



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

city plan commission

30 September 1981

Members of the Common Council City-County Building One Main Street Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) street & alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held September 28, 1981. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

- 1. Bill No. G-81-08-10
- Intended Use: Vacated right-of-way will revert to adjacent property owners who wish to fence the area for protection from vandalism
- Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

a. The approval of this vacation will not adversely affect the general policy and pattern of development proposed for the downtown area.

If there are any questions with regard to this ordinance, please feel free to contact us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten Senior Planner

GFB:pb

Attachments

#### RESOLUTION 71-85-18

WHEREAS, JOHN BRITTON, CURT LOGSDON, WOODFORD MUNICE, CARRIE MUNICE, ERNST REALTY AND INVESTMENT CO., INC., JOSEPH C. SHOAFF, PATRICIA G. SHOAFF, HAROLD L. MCCOMB, LAWRENCE WICK, LILLIAN M. MICK, KATHRYN A. YOUNGBLOOD, WILLIAM EARL ROGERS, RICHARD T. MOORE, MILDRED MOORE, JAMES A. ERNST, KENNETH B. ERNST, MERLIN MAX ECKROTE, MARY K. ECKROTE have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street and alley situated in Fort Wayne, Allen County, to-wit:

> Sidney Street located between the North right-of-way of McDonald Street and the South right-of-way of Pennsylvania Avenue and contiguous to Lots 1 and 12 in Block 7 and 6 in Block 8 in Bond and Lumbard 2nd Addition, Fort Wayne, Indiana; and,

An East-West alley contiguous to the South line of Lots I through 6 Block 7 and 4 through 6 Block 8 and the North line of Lots 7 through 12 Block 7 and 7 through 9 Block 8 in Bond and Lumbard 2nd Addition to the City of Fort Wayne, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of said public street and alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street and alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street and alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street and alley or part thereof for the vacation and operatic of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.
STATE OF INDIANA)
SS: COUNTY OF ALLEN  SS:  COUNTY OF ALLEN  Norwas A. Alchem, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held and as same appears of record in the official records of said Board of Public Works.  DATED THIS 74 DAY OF October 1981
FORT WAYNE BOARD OF PUBLIC WORKS
Thomas W. Latchem, Chairman  M. M. Latchem, Chairman  M. M

### RESOLUTION

WHEREAS, JOHN BRITTON, CURT LOGSDON, WOODFORD MUNICE, CARRIE MUNICE, ERNST REALTY AND INVESTMENT CO., INC., JOSEPH C. SHOAFF, PATRICIA G. SHOAFF, HAROLD L. MCCOMB, LAMRENCE WICK, LILLIAN M. WICK, KATHRYN A. YOUNGBLOOD, WILLIAM EARL ROGERS, RICHARD T. MOORE, MILDRED MOORE, JAMES A. ERNST, KENNETH B. ERNST, MERLIN MAX ECKROTE, MARY K. ECKROTE have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street and alley situated in Fort Wayne, Allen County, to-wit:

Sidney Street located between the North right-of-way of McDonald Street and the South right-of-way of Pennsylvania Avenue and contiguous to Lots 1 and 12 in Block 7 and 6 in Block 8 in Bond and Lumbard 2nd Addition, Fort Wayne, Indiana; and,

An East-West alley contiguous to the South line of Lots 1 through 6 Block 7 and 4 through 6 Block 8 and the North line of Lots 7 through 12 Block 7 and 7 through 9 Block 8 in Bond and Lumbard 2nd Addition to the City of Fort Wayne, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,  $\,$ 

WHEREAS, said public hearing was held on September 21, 1981, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley and street.

MHEREAS, said vacation of street and alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street and alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE ITFURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street and alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street and alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of street and alley in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN

1, Dennis J. Grotrian , Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said (Commission held September 28, 1981, and as the same appears of record in the official records of said Plan Commission.

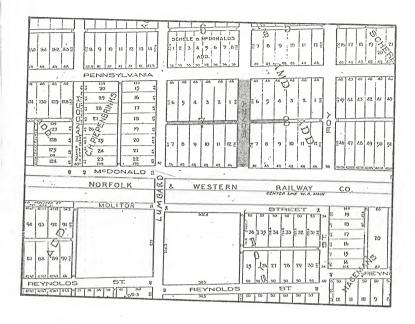
/ Secretary

DATED THIS 30th DAY OF September 19 81

FORT WAYNY CITY PLAN COMMISSION

Dennis Statebrian Commission

ACCOUNT AMT, OF ACCOUNT AMT. PAID BALANCE DUE



ALLEYS AND STREET TO BE VACATED.

6-81-08-10

MAP NO. Q-2



#### AMENDED

PETITION TO VACTE Sidney Street between McDonald Street and Pennsylvania Avenue and an alley between Roy Street and Lumbard Street.

The undersigned Petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to recommend the vacation of the following public street and alley within the City of Fort Wayne, Indiana, and hereby describe said street and alley as follows:

Sidney Street located between the North right-of-way of McDonald Street and the South right-of-way of Pennsylvania Avenue and contiguous to Lots 1 and 12 in Block 7 and 6 and 7 in Block 8 in Bond and Lumbard 2nd Addition, Fort Wayne, Indiana; and,

An east-west alley contiguous to the South line of Lots 1 through 6 Block 7 and 4 through 6 Block 8 and the North line of Lots 7 through 12 Block 7 and 7 through 9 Block 8 in Bond and Lumbard 2nd Addition to the City of Fort Wayne, Indiana.

In support thereof, your Petitioners would represent as follows:

- That they are the owners of the real estate abutting both sides of the street and alley.
- That the street and alley are not necessary as ingress or egress to other properties whatsoever.
  - 3. That the street and alley are unopened and unimproved.
- 4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
- 5. That the maintenance or opening and improvements of said street and alley are not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be in the best interests of the City and the citizens thereof to vacate the same.

Your Petitioners file this Petition pursuant to the authority granted in Indiana Code, Section 18-7-4-512 in order to complete the vacation of the above described street and alley.

RECEIVED

JUL 7 1981

FORT WAYNE CITY PLAN COMMISSION WHEREFORE, your Petitioners pray that the above described street and alley be vacated according to the provisions of Indiana Law pertaining thereto.

DATED THIS

day of February, 1980.

Lot 7 Block 8 John Brittson

2701 McDonald Street

Lot 6 Block 8

Curt Logsdon 2702 Pennsylvania Street

Lot land 2 Block 7 Woodford Munice

CARRIE MUNICE 2630 Pennsylvania

Lot 12 and the East 34 feet Lot 11 Block 7

Ernst Realty and Investment Co., Inc. 2627 McDonald Street

Lot 1516 Roy St.

Back of Lots 1 & 2 Block 8 Joseph C. Shoats Shoaff fatheren & Slaath

Lots 3, 4, 5, 6 in Block 7 456-20 7 637-3383 faut

Lots 7, 8, 9, 10 and West 14 feet of 11 in Block 7 447-9178

Lot 2 in Block 8 422-6895 2726 Fenn.

Lot 3 in Block 8 2720 Kingsferd - 483 - 4840 Sue 422-1263

Lot 5 in Block 8

186-747-3516
3515 Lun Hut Rd

Lots 8, 9, 10, 11 and 12 in Block 8

Lot 4 in Block 8 2716 Perm Harold McComb and Sons, Inc.

BY Harold L. M. Comb - President

2610 Pennsylvania Avenue

Lawrence Wick

Lilleau M. Wick

Kathryn A. Youngblood Kathryn A. Youngblood Buyer-William Earl Dogar

Arthur Corwin

B. S. Corwin

Stelland Moore

Mildred Moore

James a. Ernst

Zinneth B. Ernst

Merlin Max Eckrote
Merlin Max Eckrote

Mary K. Eckrote

Admn.	Appr.	

### DIGEST SHEET

TITLE OF ORDINANCE Street & Alley Vacation DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P SYNOPSIS OF ORDINANCE Sidney Street & E/W alley between Roy Street & Lumbard Street. Property is now public right-of-way. Property will be vacated EFFECT OF PASSAGE and revert to the adjacent property owners. EFFECT OF NON-PASSAGE Property will remain open as public right-of-way. MONEY INVOLVED (Direct Costs, Expenditures, Savings) (ASSIGN TO COMMITTEE (J.N.)



#### OFFICE OF THE CITY CLERK

# THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

November 2, 1981

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of November 5, 1981 and November 12, 1981, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

Bill No. G-81-08-10

General Ordinance No. G-22-81

Bill No. G-81-08-23 General Ordinance No. G-23-81

Bill No. G-81-08-24 General Ordinance No. G-24-81

Please send us 12 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

City CLerk

CWW/ne ENCL: 1

### LEGAL NOTICE

Notice is hereby given that on the 27th day of October, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-08-10 -- General Ordinance No. G-22-81, AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a street and alley

Notice is hereby given that on the 27th day of October, 1981, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-81-08-23 -- General Ordinance No. G-23-81, AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of Lewis Street

Notice is hereby given that on the 27th day of October, 1981, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-81-08-24 -- General Ordinance No. G-24-81, AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-81-08-10 -- General Ordinance No. G-22-81; Bill No. G-81-08-23 -- General Ordinance No. G-23-81 and Bill No. G-81-08-24 -- General Ordinance No. G-24-81, were passed by the Common Council on the 27th day of October, 1981, said Ordinances were signed and approved by the Mayor on the 28th day of October, and remains on file and on record in my office.

Copies of Bill No. G-81-08-10 -- General Ordinance No. G-22-81; Bill No. G-81-08-23 -- General Ordinance No. G-23-81 and Bill No. G-81-08-24 -- General Ordinance No. G-24-81 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-81-08-10 -- General Ordinance No. G-22-81; Bill No. G-61-08-23 -- General Ordinance No. G-23-81 and Bill No. G-81-08-24 -- General Ordinance No. G-24-81 will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on November 5, 1981

Charles W. Westerman, Illerk of the City of Fort Wayne, Indiana, fulfilled and posted the City of Fort Wayne, Indiana, fulfilled and posted the City of Fort Wayne, Indiana, fulfilled and posted the City of Fort Wayne, Indiana, fulfilled and posted the City of Fort Wayne, Indiana, fulfilled and posted the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on November 5, 1981

Charles W. Westerman, City Clerk

Form Prescribed by State Board of Accounts	General Form No. 99 P(Rev. 1967)
Fort Wayne Common Coun	cil To NEWS-SENTINEL Dr.
(Governmental Unit)	
Allen County, I	Ind FORT WAYNE, INDIANA
	PUBLISHER'S CLAIM
LINE COUNT	
	actual lines, neither of which shall total more than four solid lines
of the type in which the body	of the advertisement is set) — number of equivalent lines
Head number of lines	86
Body number of lines	
Tail number of lines	2
Total number of lines in not	ice88
COMPUTION OF CHARGES	
88 lines, 1 co	olumns wide equals 88 equivalent lines at
Additional charge for notices containing	g rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (	(50 cents for each proof in excess of two) 10 extra
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81-08-10' — Géneral Ordinence No. G-22-81; Bill No. G-81-08-23 — General Ordinance No. G-23-81	PUBLISHER'S AFFIDAVIT g of Indiana
and Bill No. G-81-08-24 — General Ordinance No. G-24-61, were ALL spassed by the Common Council on the 27th day of October, 1981, said Ordinances were signed and approved by the Mayor on the approved by the Mayor on the signed and the spassed by the Mayor on the signed and the spassed by the Mayor on the signed and the spassed by the	FOR COUNTY SS:  SONALLY appeared before me, a notary public in and for said county and state, the
said Ordinances were signed and approved by the Mayor on the	ersigned D. ROOSE
approved by the Mayor on the 28h day of October, and remains on the and on record in my office.  Copies of Bill No. G8-10-80-10—6 that Garden Ordinance No. G-22-81;  Bill No. G8-13-823—General Dr. Common No. G-23-81 and Bill No. G8-13-824 and Bill No. G8-13-81 will be possed for No. G-24-81 will be possed for a	she is CLERK of the
Bill No. G-81-08-23 — General Or- dinance No. G-23-81 and Bill No.	NEWS-SENTINEL  DAILY newspaper of general circulation printed and published
No. G-24-81 will be posted for reading in the following places in	he English language in the city of FORT WAYNE, INDIANA
(1) The main floor of the City- County Building.	
Bill No. Gd104823 — General Dr. climicon No. Gd2481 and Bill No. No. Gd2481 will be posted for reading in the following places in Period of the following places in County Business  (a) The following places in the County Business of the Wigner  (b) The following places in the County Business of the Alen County County House.	state and county aforesaid, and that the printed matter attached hereto is a true copy, the was duly published in said paper for $t = t$ the said paper for $t = t$ .
County Court House. as for County Court House. as for County Court House. Copies of Bill No. G-81-08-10 — General Ordinance No. G-22-81	ollows: 11/5 - 11/12/81
Bill No. G-81-08-23 — General Ordinance No. G-23-81 and Bill No. G-81-08-24 — General Ordinance	D P
No. G-24-B1 will be available for reading in the following pleases in Fort Weyne Aller County leases	12th November 81
(1) Reference Room in the north end of the mein floor in said Downtown Public Library.  (2) The Journal of the Common Council Proceedings in the Office	scribed and sworn to before me this
of the City Clerk of Fort Wayna,	commission expires November 29, 1985 Norar Public
CHARLES W. WESTERMAN CITY CLERK I, Cherles W. Westerman, Clerk	Commission Copies

Form Prescribed by State Board of Accounts			Gene	eral Form No. 99 P(Rev. 1967)
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(Governmental Unit)		10		
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Tail number of lines				
Total number of lin	es in notice			88
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Charge for extra proofs of pub	lication (50 cents for each	proof in excess of two)	CAUIA	
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Width of single column 9.6	•	Size of type	point	
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Date		passed by the Common Councille 27th day of October, 19 said Ordinences were eigned	oll on liana 1981, sunty SS:		
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Date		on file end on record in my office	ce ARVILL	A DEWALD	
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Body	number of lines			86
Tail	number of lines			2
	Total number of lines	s in notice		88
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